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NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1988

THANH VONG HOAI,
Petitioner,

v.

THANH VAN VO, THACH DUY NGUYEN, MY-LINH D. SOLAND, NGUYEN THI BACK LUU, THAN VAN VO, SUNTECH SUNOCO, INC., and MICHAEL ARIF,
Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

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Appendix IV (Supplemental)
Predicate Act Statutes Under Rico

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TABLE OF CONTENTS OF APPENDIX IV,
RELEVANT STATUTES (SUPPLEMENTAL)

STATUTE PAGE

The RICO STATUTES, 18 U.S.C. et seq., were filed with the petition itself, in the back, separated by a dividing sheet from the main brief. As an aid to the Court we now provide supplementally the predicate act statutes referred to in 18 U.S.C. 1961, both the federal ones mentioned specifically and the state statutes referred to generally that are involved here, being specifically the murder and extortion statutes of the District of Columbia and Virginia:

State Predicate Act statutes 1

District of Columbia Code, Title 22 1

Sec. 22-2401. Murder in the first degree -- Purposeful killing; killing while perpetrating certain crimes. 1

Sec. 22-2403. Murder in second degree. 2

Sec. 22-2404. Penalty for murder in the first and second degrees. 2

Sec. 22-3851. Extortion. 3

from the Code of Virginia, Title 18 4
Sec. 18.2-30. Murder and manslaughter declared felonies. 4

Sec. 18.2-31. Capital murder defined; punishment. 4

Sec. 18.2-32. First and second degree murder defined: punishment. 5

Sec. 18.2-59. Extorting money, etc. by threats. 5

Federal predicate offenses specified in 18 USC Secs. 1961 that are involved here from title 18, United States Code 6

Section 891-894 (relating to extortionate credit transactions):
Sec. 891. Definitions and rules of construction 6

Sec. 892. Making extortionate extensions of credit 9

Sec. 893. Financing extortionate extensions of credit 13

Sec. 894. Collection of credit by extortionate means 14

Section 1341 (relating to mail fraud) 16

Section 1341. Frauds and swindles 16
Section 1343 (relating to wire fraud)
Section 1343. Fraud by wire, radio, or television 17

Section 1503 (relating to the obstruction of justice)

Section 1503. Influencing or injuring officer, juror or witness generally 18

Section 1951 (relating to interference with commerce, robbery or extortion):

Section 1951. Interference with commerce by threats or violence 18

RELEVANT STATUTES (SUPPLEMENTAL)

The RICO STATUTES, 18 U.S.C. et seq., were filed with the petition itself, in the back, separated by a dividing sheet from the main brief. As an aid to the Court we now provide supplementally the predicate act statutes referred to in 18 U.S.C. 1961, both the federal ones mentioned specifically and the state statutes referred to generally that are involved here, being specifically the murder and extortion statutes of the District of Columbia and Virginia:

State Predicate Act statutes:

from the District of Columbia Code, Title 22:

Sec. 22-2401. Murder in the first degree -- Purposeful killing; killing while perpetrating certain crimes.

Whoever, being of sound memory and discretion, kills another purposely

[sic], either of deliberate and premeditated malice or by means of poison, or in perpetrating or attempting to perpetrate any offense punishable by imprisonment in the the penitentiary, or without purpose to do so kills another in perpetrating or attempting to perpetrate any ... mayhem, robbery,... is guilty of murder in the first degree.

Sec. 22-2403. Murder in second degree.

Whoever with malice aforethought, except as provided in Secs. 22-2401, 22-2402, kills another, is guilty of murder in the second degree.

Sec. 22-2404. Penalty for murder in the first and second degrees.

(a) The punishment of murder in the first degree shall be life imprisonment.

(b) Notwithstanding any other provision of law, a person convicted of first-degree murder and upon whom a sentence of

life imprisonment is imposed shall be eligible for parole only after the expiration of 20 years from the date he commences to serve his sentence.

(c) Whoever is guilty of murder in the second degree shall be imprisoned for life or not less than 20 years.

Sec. 22-3851. Extortion.

(a) A person commits the offense of extortion if:

(1) That person obtains or attempts to obtain the property of another with the other's consent which was induced by wrongful use of actual or threatened force or violence or by wrongful threat of economic injury; or

(2) That person obtains or attempts to obtain property of another with the other's consent which was obtained under color or pretense of official right.

(b) Any person convicted of extortion shall be fined not more than $10,000 or imprisoned for not more than 10 years, or both.

from the Code of Virginia, Title 18:

Sec. 18.2-30. Murder and manslaughter declared felonies. -- Any person who commits capital murder, murder of the first degree, murder of the second degree, voluntary manslaughter, or involuntary manslaughter, shall be guilty of a felony.

Sec. 18.2-31. Capital murder defined; punishment. -- The following offenses shall constitute capital murder, punishable as a Class I felony:

....

(b) The willful, deliberate and premeditated killing of any person by another for hire.

....

(g) The willful, deliberate and premeditated killing of more than one person as a part of the same act or transaction; ....

Sec. 18.2-32. First and second degree murder defined: punishment. -- Murder, other than capital murder, by poison, lying in wait, imprisonment, starving, or by any willful, deliberate and premeditated killing, or in the commission of, or attempt to commit, ... robbery, burgalray, ... except as provided in Sec. 18.2-31, is murder of the first degree, punishable as a Class 2 felony.

All murder other than capital murder and murder in the first degree is murder of the second degree and is punishable as a Class 3 felony.

Sec. 18.2-59. Extorting money, etc. by threats. -- If any person threaten injury

to the character, person or property of another person or accuse him of any offense and thereby extort money, property, or pecuniary benefit or any note, bond, or other evidence of debt from him or any other person, he shall be guilty of a Class 5 penalty.

Federal predicate offenses specified in 18 USC Secs. 1961 that are involved here: from title 18, United States Code:

Section 891-894 (relating to extortionate credit transactions):

Sec. 891. Definitions and rules of construction

For purposes of this chapter:

(1) To extend credit means to make or renew any loan, or to enter into any agreement, tacit or express, whereby the repayment or satisfaction of any debt or claim, whether acknowledged or disputed, valid or invalid, and however arising,

may or will be deferred.

(2) The term "creditor", with reference to any given extension of credit, refers to any person making that extension of credit, or to any person claiming by, or under, or through any person making that extension of credit.

(3) The term "debtor", with reference to any given extension of credit, refers to any person to whom that extension of credit is made, or to any person who guarantees the repayment of that extension of credit, or in any manner undertakes to indemnify the creditor against loss resulting from the failure of any person to whom that extension of credit is made to repay the same.

(4) The repayment of any extension of credit includes the repayment, satisfaction, or discharge in whole or in part of any debt or claim, acknowledged

or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(5) To collect an extension of credit means to induce in anyh way any person to make repayment thereof.

(6) An extortionate extension of credit is any extension of credit with respect to which it is the understanding of the creditor and the debtorat the time it is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(7) An extortionate means is any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation or property of any person.

(8) The term "State" includes the District of Columbia,...

(9) State law, including conflict of laws rules, governing the enforceability through civil judicial processes of repayment of any extension of credit or the performance of any promise given in consideration thereof shall be judicially noticed. This paragraph does not impair any authority which any court would otherwise have to take judicial notice of any matter of State law.

Sec. 892. Making extortionate extensions of credit

(a) Whoever makes any extortionate extension of credit, or conspires to do so, shall be fined not more than $10,000 or imprisoned not more than 20 years, or both.

(b) In any prosecution under this section, if it is shown that all of the

following factors were present in connection with the extension of credit in question, there is prima facie evidence that the extension of credit was extortionate, but this subsection is nonexclusive and in no way limits the effect or applicability of subsection (a):

(1) The repayment of the extension of credit, or the performance of any promise given in consideration thereof, would be unenforceable, through civil judicial processes against the debtor

(A) in the jurisdiction within which the debtor, if a natural person, resided, or

(B) in every jurisdiction within which the debtor, if other than a natural person, was incorporated or qualified to do business at the time the extension of credit was

made.

(2) The extension of credit was made at a rate of interest in excess of an annual rate of 45 per centum calculated according to the actuarial method of allocating payments made on a debt between principal and interest, pursuant to which a payment is applied first to the accumulated interest and the balance is applied to the unpaid principal.

(3) At the time the extension of credit was made, the debtor reasonably believed that either

(A) one or more extensions of credit by the creditor had been collected or attempted to be collected by extortionate means, or the nonrepayment thereof had been punished by extortionate means: or

(B) the creditor had a reputation for the use of extortionate means to collect extensions of credit or to punish the nonrepayment thereof.

(4) Upon the making of the extension of credit, the total of the extensions of credit by the creditor to the debtor then outstanding, including any unpaid interest or similar charges, exceeded $100.

(c) In any prosecution under this section,if evidence has been introduced tending to show the existence of the circumstances described in subsection (b)(1) or (b)(2), and direct evidence of the actual belief of the debtor as to the creditor's collection practice is not available, then for the purpose of showing the understanding of the debtor and the creditor at the time the extension of credit was made,t he court

may in its discretion allow evidence to be introduced tending to show the reputation as to collection practices of the creditor in any community of which the debtor was a member at the time of the extension.

Sec. 893. Financing extortionate extensions of credit

Whoever willfully advances money or property, whether as a gift, as a loan, as an investment, pursuant to a partnership or profit-sharing agreement, or otherwise, to any person, with reasonable grounds to believe that it is the intention of that person to use the money or property so advanced directly or indirectly for the purpose of making extortionate extensions of credit, shall be fined not more than $10,000 or an amount not exceeding twice the value of the money or property so advanced, whichever is greater, or shall be

imprisoned not more than 20 years, or both.

Sec. 894. Collection of credit by extortionate means

(a) Whoever knowingly participates in any way, or conspires to do so, in the use of extortionate means

(1) to collect or attempt to collect any extension of credit, or

(2) to punish any person for the nonrepayment thereof,

shall be fined not more than $10,000 or imprisoned not more than 20 years, or both.

(b) In any prosecution under this section, for the purpose of showing an implicit threat as a means of collection, evidence may be introduced tending to show that one or more extensions of credit by the creditor were, to the knowledge of the person against whom the implicit threat was alleged to have been

made, collected or attempted to be collected by extortionate means or that the nonrepayment thereof was punished by extortionate means.

(c) In any prosecution under this section, if evidence has been introduced tending to show the existence, at the time the extension of credit in question was made, of the circumstances described in section 892(b)(1) or the circumstances described in section 892(b)(2), and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing that words or other means of communication, shown to have been employed as a means of collection, in fact carried an express or implicit threat, the court may in its discretion allow evidence to be introduced tending to show the reputation

of the defendant in any community of which the person against whom the alleged threat was made was a member at the time of the collection or attempt at collection.

Section 1341 (relating to mail fraud):

Section 1341. Frauds and swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises,... for the purpose of executing such scheme or artifice or attempting to do so, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any suh matter of thing, or knowingly causes to be delivered by mail according to the direction thereon, or at

the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

Section 1343 (relating to wire fraud),

Section 1343. Fraud by wire, radio, or television

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined not more than $1,000 or imprisoned not more

than five years, or both.

Section 1503 (relating to the obstruction of justice)

Section 1503. Influencing or injuring officer, juror or witness generally

Whoever .... corruptly, ... influences, obstructs, or impedes, or endeavors to influence, obstruct or impede, the due administration of justice, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Section 1951 (relating to interference with commerce, robbery or extortion):

Section 1951. Interference with commerce by threats or violence

(a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens phsical violence to any person or property in furtherance of

a plan or purpose to do anything in violation of this section shall be fined not more than $10,000 or imprisoned not more than twenty years or both.

(b) As used in this section --

(1) The term "robbery" means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violance, [sic] or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

(2) The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force,

violence, or fear, or under color of official right.

(3) The term "commerce" means commerce within the District of Columbia, ... all commerce between any point in a state,... or the District of Columbia and any point outside thereof; all commerce between any points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction.